

**Summary Minutes
City of Sedona
Planning & Zoning Commission Worksession
City Council Chambers, Sedona City Hall, Sedona, AZ
Thursday, March 1, 2012 - 3:30 p.m.**

1. Verification of Notice, Call to Order, and Roll Call. (5 minutes 3:30 – 3:35)

Chairman Losoff called the worksession to order at 3:30 p.m.

Roll Call:

Planning & Zoning Commissioners: Chairman Marty Losoff and Commissioners Michael Hadley, Scott Jablow, Geoffrey Messer and Norm Taylor. Vice Chairman John Griffin and Commissioners Eric Brandt were excused.

Staff: Nick Gioello, John O'Brien, David Peck and Jared Raymond

Nick Gioello introduced Jared Raymond, Associate Planner, to the Commission and noted that Jared has a lot of planning experience in solar and land use.

2. Discussion regarding the agenda item #4 for the regularly scheduled meeting of Tuesday, March 6, 2012: (60 minutes 3:35 – 4:35 pm)

A. Discussion/possible action regarding a request for Development Review approval for redevelopment of the C-Market property located at 285 Jordan Road. The applicant is proposing a new, 3,230 square foot commercial building with associated parking. Current zoning is C-1 (General Commercial). The property is approximately 0.297 acres and is further identified as Assessor's Parcel Number: 401-16-002. Applicant: Cedic Development. Case Number: DEV2010-1

Chairman Losoff indicated that the Commission has had the C-Market before and it will be considered for discussion and possible action on Tuesday. The applicant is proposing a new 3,200 sq. ft. building and we have some new information. The Chairman then reminded the Commissioners that the purpose of the worksession is to ask staff any questions and try to get any additional information needed.

Nick Gioello pointed out that at the request of Vice Chairman Griffin a sheet was prepared with references to the sections in the Sedona Main Street and Character District Design Manual, so the Commission can review those and it shows where those are in both the General District guidelines and the specific Character District.

Nick then referenced a memo that provides a rundown of the issues that came up in the May 3rd public hearing, when this item was continued. It includes some bullet points taken from the minutes, and there was another discussion about a friendly amendment that was added to the continuance and that part of the discussion is also included. Nick also summarized what the applicant proposed as far as revisions to that May submission; however, the applicant's letter goes into much more detail.

Nick noted that staff provided information showing the signatures of support for the project, as well as an addendum with additional supportive information. Additionally, there is a handout with comments from Commissioner Brandt, since he couldn't be present today, and he assumes the Commissioner will address those at the public hearing, so that can be discussed by the Commission today as well.

Nick referenced boards provided by the applicant and explained that the critical thing is that there was a lot of discussion about lowering heights of the building, and the applicant determined that the perspective of the building they had shown us was incorrect. Nick

referenced the eave and its relationship to the Canyon Coral on the drawing they had provided, and then explained that the applicant reassessed that and the new picture shows that it is directly in line with an overhang. They didn't lower the height of the building, but they feel that the perspective that they had given the Commission gave the impression that the building was taller than it really was, in context to the next building. Nick then added that the applicant lowered the windows and made them shorter and the eyebrow connects all the way across.

Commissioner Hadley asked about the height of the clock tower at 30 ft. 8 ins. and the exception for chimneys, etc. Nick explained that there is a pitched roof exemption of 5 ft., but he will look at the Staff Report to see how that was assessed. There are several things you can do to get exceptions for the height. John O'Brien added that he believes it is also the alternate standards for colors, but Dan Surber can probably answer that.

Architect, Dan Surber, Sedona, AZ: Explained that it basically meets Design Review standards for towers, chimneys, etc. and there is the pitch roof exemption too, so it meets that guideline in the Land Development Code.

Nick noted that if the maximum is applied to all of those things, you can get to 32 ft. Chairman Losoff then asked Nick to have the specifics for Tuesday's meeting and indicated that as he understands it from other discussions, the height is probably the key issue right now.

Commissioner Hadley then commented that Dan Surber has done what he hoped would be done, so he is much happier.

Commissioner Messer indicated that his only comment is one that Commissioner Brandt also pointed out. He thought the windows on the north side should match the upper windows on the east elevation. When you walk down that street, it just adds continuity to the design; the height doesn't bother him at all, but coming around the corner and having those windows go all the way up to the eaves on the north side, and then to turn the corner, you have two feet of space above.

Architect, Dan Surber, Sedona, AZ: Indicated that has changed and Nick added that they have already done it. Commissioner Messer noted that was the only thing he saw out of the whole thing.

Commissioner Jablow indicated that he had studied this a lot with a lot of help from Nick. He was in the audience when the project was first on the calendar, so he believes he knows the history. He believes there is a dramatic change and it is fantastic from the perspective of a person walking down the street; he isn't an architect or builder. The suggested changes that were complied with are dramatic and it looks much better. That being said, his only problem is that tower. He read the old minutes and it is in the code, so he feels there is an issue with it. It is a gimmick, for lack of a different word, and it does stand out. While the building falls in line with the buildings on either side of it, the tower causes him to have some misgivings. That tower is about the only thing he sees that he has an issue with. If the tower could be dropped down, it could still be a little higher if it came down to half its height . . . do you need a clock? If you have a clock tower and somebody wants to build a building down the block, and the clock tower may be a foot higher, who is going to build the bigger clock tower?

Chairman Losoff asked the Commissioner specifically how much he wanted to see the clock tower lowered and Commissioner Jablow stated several feet. He would like to see the clock tower come down several feet to possibly below where the bottom of the clock is now. Have the C-Market sign, have it in the separate roof, have it as a separate structure, and have a little bit higher view, if the architects in the room agree, but he definitely doesn't think it looks like it fits in with the rest of the architecture there. It is very plain and everybody knows, it is in the book in Section 2.3.1 about architectural styles, and it says it should be avoided; it is not even a possibility to be considered. It says it should be avoided and that is a sticking point for him.

Commissioner Taylor indicated that he didn't have anything to add. He has stated all of his thoughts in the past. Chairman Losoff asked if some of the changes meet some of the Commissioner's concerns and the Commissioner indicated that it is a great looking building, but the problem is that he doesn't think a gift shop or whatever it is going to be should be a formal structure like that. He feels it is usurping something historic about building forms. You use building forms such as that on important buildings for a variety of reasons, and it opens a kettle of worms for the City, because anybody else around the corner that wants to have a tower and maybe put bells in it instead of a clock could do it, and then there is nothing left. He has been torn about it since the beginning, because of that.

Chairman Losoff indicated that the Commission will talk about it on Tuesday and as you make your comments try to reference them to any of the criteria in the books or manual. Commissioner Taylor stated that they were just referenced and it is plain and simple. He doesn't know who wrote the code; he presumes it went through the City and City Council, but somebody put that in there and it makes sense to him. It's one crummy little paragraph in there from some people's perspective, but it was written for some reason and that is the problem. He tried to justify the building there, but he thought it shouldn't have a tower in the first place and it shouldn't be that symmetrical, formal building with a clock tower in it. Then, he said if it at least it was out and cocked at an angle and looked out on the square, so we have that . . . originally, when they were doing the Uptown design, they wanted to have a circle there.

John O'Brien explained that a roundabout was the original concept at Jordan and S.R. 89A. The Commissioner then indicated that the roundabout would have really kind of formalized the space out there, but it kind of lost that. It is still an important kind of place, even though it is for traffic. If we could get rid of the traffic and pave it with bricks, it would be a really important spot at the top of the hill, but it won't be that way; that is his problem.

Chairman Losoff suggested that the Commission discuss Commissioner Brandt's comments. He had three points; one is the board and batten siding. The Chairman then asked Dan Surber if he would like to comment on that.

Architect, Dan Surber, Sedona, AZ: Indicated that they will take that into consideration; this is the first time they saw the comment. Chairman Losoff agreed and indicated it is the first time the Commission has seen it too. He then asked Mr. Surber if he thought it would be an issue and Dan indicated it is something they can discuss.

Chairman Losoff then commented that the applicant will be prepared to discuss that on Tuesday and indicated that number two, Commissioner Brandt says it has already been changed, so we can go to number three, the stone veneer and asked if the architect had any comments on that.

Architect, Dan Surber, Sedona, AZ: Explained that the building being referenced was the building that they referenced, and it is going to be what is called in the Manual as the "dimension cut" natural stone. There are two types on Jordan Road and throughout Uptown. There are the free-form stones and there are others that are more dimensionally cut in rectangles and squares, and the Cornerstone Building at Apple and Jordan has the stone they are going to use, and it is more dimensional. It is a red natural stone; it is just cut into a geometric shape.

John O'Brien noted that can be conditioned and if the Commission wants to get an idea of that building, it is at the northwest corner of Jordan and Apple. Chairman Losoff pointed out that Commissioner Brandt is asking if we can get a picture of that or a sample and Nick indicated yes, and we can put in the presentation.

Chairman Losoff indicated that from his perspective, he saw a lot of outreach comments and asked if the City asked for comments as well. Nick explained that a generic letter is sent out

when the applicant initially applies and it says that they will receive a notice whenever there is a public hearing, and if they have any questions they can call staff. He would have to look back in the Staff Report to see if there were any public comments. There may have been one or two contacts, but he would have to look through Beth Escobar's notes.

Chairman Losoff recalled that there were a couple of negative comments, not from businesses, but from a couple of residents, so he suggested that staff have that in case it comes up. The Chairman then indicated that his other comment is parking and according to the regulations there are 13 parking spaces and they are coming in with 10 spaces. He then asked Nick if he is okay with that or if there are any issues. Nick indicated that was covered in the past, but that is really the Director's call.

John O'Brien explained that the Parking Code talks about the Director having the authority to reduce parking requirements and based on his view, that is such a walkable pedestrian area and the Code references that if there is an unusual number of pedestrian trips in front of a business that is one rationale to reduce requirements. In this case, the whole design of the building is pedestrian-oriented and it is in the Uptown District, so he didn't see reducing it by three to be that significant considering the pedestrian aspects in Uptown. Nick added that the Uptown area has the highest pedestrian traffic in Sedona and we have been consistent in that we reduced the parking requirements for the Candy Coral next door. They virtually have zero for the property, because we allowed them to use an off-site agreement for a couple of spaces, when their actual count would have been twice that. It is the same thing with the new tenant that wants to go in there.

Chairman Losoff pointed out that the two businesses will be different; the Candy Coral would be almost 100% tourists, while the C-Market may have a lot of residents, so if the building is built and he goes there and can't find a place to park what does he do, call staff? John O'Brien explained that he can park at other locations in Uptown, and just so it is clear, only one of these suites would be the C-Market and they aren't sure who the tenants will be for the other two. If it is an art gallery, that is a lower parking requirement than general retail. The Chairman indicated that the point is that staff is okay with that and both John and Nick indicated yes.

Commissioner Taylor indicated that he thinks it is a bad thing to have a lane come into parking that is mostly hidden. People see there is parking back there and drive in, but if there isn't any parking and they have to turn around; he assumes the last space is left empty so they can turn around and back-up. The Commissioner then asked why that parking can't be designated for employees, to remove them from other parking areas. John O'Brien explained that would require a private agreement with this property owner and others. The City can't require this property owner to provide this parking lot for other employers' parking in Uptown. We don't have any codes to support requiring that. It is not a bad idea, but that is really up to the applicant. Commissioner Taylor explained that is why he originally suggested that the City work with the adjoining property owners to make this parking lot work in conjunction with others, plus for the trash, because there is a mess right over the wall there.

Chairman Losoff asked if what he is suggesting is a Code, Design Review Manual or Condition of Approval issue or just the Commissioner's personal opinion. Commissioner Taylor indicated that he didn't think it was a Condition of Approval; it is his personal opinion. It isn't good and it is stated in the Manual that you should try to interconnect property lines, and part of that is for this reason. There are possibly three stores in here, so you could use six spaces just for employees possibly.

John O'Brien indicated that half of the lot may be employees of the business. Commissioner Messer added that he has lived here for 16 years and 90% of Uptown is foot traffic with parking in the bigger lots. Even with the existing C-Market, rarely do you see a car in that parking lot, because people are walking. Commissioner Taylor is correct that it will be awkward to drive in there to see if there is any parking, but it is a tight space there. Additionally, he disagrees

regarding the clock tower; it's height is perfect in proportion to the other buildings and he personally built a tower that high right around the corner for the B&B that Tom Gilomen owns, so there is one 100 yards away. In his opinion, it is only a 6 ft. 2 in. height difference and it adds a little dimension and a little more to it. If you shrunk that tower down, it would look like it was an after-thought and it wouldn't have the same statement.

Commissioner Hadley indicated that he agrees with Commissioner Messer about the clock tower; it bothered him at first, but it has been reworked and as long as it meets the Code, he is okay with it. He agrees that it has to have some height difference with the rest of the building; otherwise, it just becomes three boxes in a row. He likes that it is offset and if it meets the Code, he is happy with it and he thinks the overall project is much improved, so he is very pleased with how it has turned out.

Chairman Losoff asked if the clock will have an alarm every hour on the hour and several participants laughed.

Commissioner Jablow asked if the general design guideline was in place when Commissioner Messer built that tower, because in Section 2.3.1 . . . Commissioner Hadley noted that he needed to revisit that. Chairman Losoff indicated that it talks about the architectural style and it says that architectural gimmicks shall be avoided, "Avoid the use of dramatic visual contrast from neighboring structures as an attention-getter".

Commissioner Messer explained that instead of viewing it as a gimmick, he views it as 3-D massing; it is a massing issue, but in height. We say you have to break up massing, but you also have to break it up in height with a building like this; otherwise, you would have a boring looking building. Some people aren't going to like it; it doesn't matter if he likes it or not, it does accentuate the massing of the structure and gives it a little personality. Commissioner Jablow indicated he would agree if it was anywhere else in town like West Sedona, etc., but there is a Code for Uptown and it specifically says what it says. Commissioner Messer pointed out that it depends on your interpretation of what you consider to be an architectural gimmick and he doesn't consider a massing issue a gimmick. If you were going to put some 3-D sculpture that hung out or something like that, it could be considered a gimmick, so it comes down to your interpretation of that word.

Chairman Losoff pointed out that the Commission needs to decide if, when 18 of the 20 criteria are met, the two that aren't are significant enough, so all of those things have to come into play, but we should reference the Code and he appreciates that you are discussing specific paragraphs in the Code. The Chairman then asked about Condition 3.B on page 4, regarding a geotechnical report and the language that if it is not done in a timely manner, the owners risk possible site design changes. Nick Gioello indicated that is the first time he has seen that language, so he will defer that question to the Engineering staff.

Chairman Losoff then asked David Peck if this is something that should be done ahead of time instead of being a Condition of Approval. David explained that if the applicant doesn't want to provide it, which they haven't yet, then it might change their design. The design currently is based on everything being in good shape. Chairman Losoff noted that if it changes the design, it has to come back to the Commission, so it seems that it should be done. David pointed out that this note has been in there for a long time, over a year.

Nick asked David what would drive a significant design change in a geotechnical report and if it is because there used to be a gas station there. David explained that there might be voids. Nick added that those things could be corrected, so the site wouldn't have to change and David agreed.

Architect, Dan Surber, Sedona, AZ: Explained that they are going to test the soil to begin with and remedy whatever the report says they have to do. If they have to do bigger spread

footings, they will do so. It was demolished to very strict specifications as far as EPA and there were Engineers working on it, so he doesn't see that there is any problem as far as the fill that was put in or if there are voids there, because everything was taken out, tested and filled back in. If there is a problem, it will be remedied.

The Chairman noted that B and D asks about ADEQ paperwork showing the abandonment of previous storage tanks, so it would be nice if the Commission had that ahead of time, because he would hate to see the project stopped in midstream and have to come back to the Commission again. Nick agreed that if there were necessary site plan changes, staff would review them and if they were substantial, staff would bring it back to P&Z.

Commissioner Messer asked if it also gets caught in the inspection process, when there is a hole at the time you want to get your footings. John O'Brien explained that the way it is set-up, it has to be addressed before we issue a Building Permit, so they will have to do the Soils Report and provide that to Engineering for approval before the Permit is issued. As Mr. Surber said, if there are issues, they will address them so it will be approved. He doesn't see that it will create a problem.

Chairman Losoff indicated the only other Conditions he noted were the ADA route from the handicapped parking space clearly shown on the Final Grading and Drainage Plan and he guesses that is standard, and then the detailed Landscape Plan.

Architect, Dan Surber, Sedona, AZ: Indicated that they have a Landscape Plan and Chairman Losoff explained that he didn't know if it was detailed enough; one of the Commissioners is very big on landscape and he wanted to be sure that there aren't any problems Tuesday.

Nick indicated that someone mentioned a tower with bells, but we have a Sound Code that restricts that, so you can't have the blaring bells. Additionally, we are throwing out words about Codes, etc., and we need to make it clear that the Land Development Code is a code and the things we are struggling with are the specifics in the Character Districts Design Manual, which technically not a code, although you can use it, and that is why the language is different. That is why we get into discussions about what is a gimmick or what is in context with your neighbor, etc., and it is left open for interpretation. If you are talking about the Code, you are really talking about the Land Development Code.

Chairman Losoff summarized that the Commission had suggested a picture of the Cornerstone Building for comparison and we discussed height. There are some differences of opinion, but there is some question about the height as it relates to the clock tower. We addressed the parking issue and that may not be a concern anymore. He also wanted to add his appreciation for the changes that were made. It has come a long way and we thank the applicant for the effort. On the issue about the front windows, that has already been done.

The Chairman then asked if there is going to be the possibility of 100 people coming to testify on the applicant's behalf and George Cedec explained that he asked every one of them to come and speak. Most people are struggling in this economy and there are 106 businesses that signed the petition; most of them have barely been getting by for the last three years. He asked people to come, but he is not leaning on them or pushing them to come. The Chairman clarified that he was asking from a time element; we will have a 3-minute limit, but sometimes we can group those that want to say the same thing. Mr. Cedec indicated that he doubts that many people will show up. The reason for today's outline is so the Commission can see that he has more businesses signed up than are on Main Street. He has all Main Street members and all non-members; he has every single business in Uptown and every single property owner in Uptown, except for a few that are in New Zealand, Utah or some other country and he can't reach them, so if you are asking about opponents, he is serious -- he has had none. He had

some people say that they didn't have an opinion and he didn't survey all of the residential people, but from living there for 30 years, he knows most Uptown people aren't home.

The Chairman indicated that he will point out Tuesday that these projects are decided based on the Land Development Code, the Design Review Manual, etc. They aren't popularity contests or based on editorials in newspapers. They should be addressed by the Code and the Design Review Manual, and while these other things add to a project; they are approved or disapproved based on codes, not public outcry good, bad or indifferent. He appreciates the applicant's efforts; whether it is 100 or 1, he is glad the applicant is doing it, but it shouldn't affect the decision.

3. Adjournment. (4:35 pm)

Chairman Losoff called for adjournment at 4:10 p.m., without objection.

I certify that the above is a true and correct summary of the worksession of the Planning & Zoning Commission held on March 1, 2012.

Donna A. S. Puckett, *Recording Secretary*

Date